

MINUTES
Montana Fish, Wildlife & Parks Commission Meeting
FWP Headquarters – 1420 East 6th Avenue
Helena, MT

MAY 14, 2009

Commission Members Present: Shane Colton, Chairman; Dan Vermillion, Vice-Chairman; Willie Doll; Ron Moody; Bob Ream.

Fish, Wildlife & Parks Staff Present: Director Joe Maurier and FWP Staff.

Guests: See May 14, 2009 Commission file folder for names of who signed in.

A Work Session was held the afternoon of May 13 to discuss the Brucellosis Action Plan with members of the Department of Livestock, followed by a meeting with the MT-WY Tribal Fish and Wildlife Commission to discuss State/Tribal Coordination Efforts. A Work Session following the Commission meeting on May 14 was held to view a Power Point presentation on Hunter Education / Hunter Demographics.

Topics of Discussion:

1. Call to Order - Pledge of Allegiance
2. Approval of Commission Meeting Minutes of April 16, 2009
3. Approval of Commission Expenses through April, 2009
4. Commissioner Committee Appointments
5. Recognition Award to Mike Korn for 20 Years of Service to FWP
6. Falconry Regulation Administrative Rule Amendment – Tentative
7. Street Pond FAS Acquisition along Whitefish River near Kalispell – Endorsement
8. McWennegar Slough FAS off Flathead River near Kalispell – Final
9. Commercial Fishing Regulations on Canyon Ferry Lake and Lake Helena - Final
10. South Fork Flathead Harvest Limit Waiver – Tentative
11. North Shore of the Flathead Land Acquisition – Endorsement
12. Tongue River Railroad Easement & Right of Way Across Miles City Hatchery – Final
13. 2009 Moose, Sheep & Goat Quotas Outside Biennial Quota Ranges - Final
14. 2009 Deer and Elk Quotas Outside Biennial Quota Ranges - Tentative
15. 2009 Antelope Quota Ranges - Tentative
16. 2009 HB 454 Hunting Access Agreements - Tentative
17. 2009 Fall Upland Game Bird Bag Limits - Tentative
18. 2009 Wolf Quotas - Tentative
19. Fleecer WMA/Erickson Ranch Land Exchange - Final
20. Ear Mountain WMA Grazing Lease Renewals – Final
21. Rookery WMA Rifle Range Lease Agreement Renewal in Hill County – Final
22. Little Doney Lake Habitat Acquisition Project in Powell County - Final
23. Marias River State Park/WMA 2009 Deer Hunting Access Regulations – Tentative
24. White-Tailed Prairie Dog Translocations – Informational
25. Open Microphone – Public Opportunity to Address Additional FWP Issues

1. Opening - Pledge of Allegiance. Chairman Colton called the meeting to order at 8:30 a.m. and led the Pledge of Allegiance.

2. Approval of April 16, 2009 Commission Meeting Minutes.

Action: Ream moved and Vermillion seconded the motion to approve the April 16, 2009 minutes. Motion carried.

3. Approval of the April, 2009 Commission Expense Report.

Action: Vermillion moved and Doll seconded the motion to approve the April expense report as presented. Motion carried.

4. Commissioner Committee Appointments. Maurier stated that there are five committees that Commissioners sit on and it is time to fill those positions. The following appointments were made.

Bob Ream – PLPW and TIPMONT

Chairman Colton – FWP Foundation Board

Vermillion – Variable Priced Licensing Committee

Moody - Alternative Livestock Committee

Action: Colton moved and Vermillion seconded the motion to appoint Commissioner Ream to the PLPW and TIPMONT Committees, Chairman Colton to the FWP Foundation Board, Commissioner Vermillion to the Variable Priced Licensing Committee, and Commissioner Moody to the Alternative Livestock Committee Motion carried.

5. Recognition Award to Mike Korn for 20 Years of Service to FWP. Director Maurier acknowledged Mike Korn for his twenty years of dedicated service to FWP, and expressed appreciation for all he has done. Korn began his FWP career as the landowner sportsmen program coordinator, then served as assistant supervisor at HARO, and now is assistant administrator in the Enforcement Division.

6. Falconry Regulation Administrative Rule Amendment – Tentative. Tim Feldner, FWP Commercial Wildlife Permit Manager, explained that FWP currently licenses 95 people who are authorized to practice falconry at the apprentice, general, or master falconer levels. Falconry licensing had been co-regulated by both the US Fish and Wildlife Service (USFWS) and FWP since the 1970s, until recently when the USFWS decided to no longer be involved in the licensing to allow the individual states to handle it. The USFWS made additional revisions to their regulations, and based on those changes, FWP is now revising administrative rules regulating falconry to coincide with federal regulations. Once the regulations are revised, they must be submitted to the Department of Interior for certification. Montana must submit its revised administrative rules to the USFWS by September 1, 2009 in order to be certified by 2010. If revised regulations are not submitted to the USFWS by September, the next opportunity for certification will be January 2011. If the Montana falconry regulations are not certified by 2014, Montana will have to abandon its falconry program. Falconry licenses are valid for three years with the renewal cycle due April, 2010.

Action: Dan moved and Doll seconded the motion to approve the proposed administrative rules for the revised falconry regulations. Motion carried.

7. Street Pond FAS Acquisition along the Whitefish River near Kalispell – Endorsement. Tom Reilly, FWP Parks Division Assistant Administrator, explained that a private landowner, Robin Street, has offered to donate an approximately ten-acre parcel of land with a 3-5 acre pond on it to FWP for use as a family fishing pond. This site is located five miles north of Kalispell along the Whitefish River. Mr. Street has offered to develop the site to FWP specifications prior to donation. The pond will be excavated as part of a gravel operation and could take up to five years to complete.

Action: Ream moved and Moody seconded the motion to approve entering into negotiations with Robin Street over his proposal to donate a parcel of land, with pond built to FWP specifications, along the Whitefish River north of Kalispell. Motion carried.

8. McWannegar Slough FAS off the Flathead River near Kalispell – Final. Tom Reilly, FWP Parks Division Assistant Administrator, explained that this 11.5-acre parcel is adjacent to the 40-acre slough that is located five miles east of Kalispell along the Flathead River. The slough supports several species of fish, and provides important wetlands for waterfowl. The Flathead Land Trust presently owns the land, but would prefer to transfer ownership to FWP. They have developed the site. FWP has had a private land fishing access agreement with the Flathead Land Trust at a cost of \$800 per year, and has a recreational use permit with Montana Department of Transportation to utilize the highway right-of-way for access into the site.

The public previously accessed the slough through a private access, however the landowner closed access in 2004 because of vandalism. After the site closed, there were numerous requests from anglers to reestablish access.

Action: Doll moved and Vermillion seconded the motion to approve acquisition of the 11.5-acre site on McWannegar Slough including site improvements.

Chairman Colton asked for public comment. There was none.

Action on Motion: Motion carried.

9. Commercial Fishing Regulations on Canyon Ferry Lake and Lake Helena – Final. Chris Hunter, FWP Fisheries Division Administrator, explained that the Commission is authorized to approve one commercial fishing operation on each body of water in the state per year, and this request is for the final approval of commercial harvest regulations authorizing the taking of carp, via seining, from Canyon Ferry Reservoir and Lake Helena. These regulations have been adopted the last three years, and are designed to protect waterfowl and recreational fishing.

Richard Greene has applied for the permit the last three years but has done very little fishing, and did not even purchase the permit the last two years. A second person has applied for the permit this year, and will be eligible to purchase it if Greene does not purchase the permit and surety bond within ten days of this meeting.

Action: Vermillion moved and Doll seconded the motion to approve the regulations for a commercial fishing operation on Canyon Ferry Reservoir and Lake Helena for 2009.

Chairman Colton asked for public comment. There was none.

Action on Motion: Motion carried.

10. South Fork Flathead Harvest Limit Waiver – Tentative. Chris Hunter, FWP Fisheries Division Administrator, explained that the intent of the South Fork Flathead Cutthroat Conservation Plan is to replace nonnative and hybridized fish with pure westslope cutthroat trout in twenty-one lakes in the South Fork Flathead drainage in order to maintain genetic purity. Replacement efforts involve chemical treatment or genetic swamping. Genetic swamping means heavy stocking of pure westslope cutthroat to dilute the nonnative and hybridized genes. Four lakes have been treated to date. In 2009, two lakes (Margaret and Clayton) are scheduled for chemical treatment, and four lakes (George, Woodward, Pyramid, and Pilgrim) are scheduled for genetic swamping. The public has asked for a limit waiver so they might maximize fish harvest before treatment.

Action: Ream moved and Vermillion seconded the motion to approve that the daily and possession bag limits be removed effective immediately through October 1, 2009 for Clayton, Margaret, George, Woodward, Pyramid, and Pilgrim lakes including within 100 yards of the lakes for inlet and outlet streams.

Moody expressed concern that the public might be confused as to which lakes were being treated. He suggested that FWP institute a signage plan.

Hunter replied that this is a high profile and controversial issue and receives a great deal of press and publication. The plan underwent four years of review following release of the environmental impact statement. FWP hosts a public meeting each spring in the Flathead to discuss this plan, and maintains a website of developments. Attendance has gone down at the meetings as the public has become more aware and informed.

Action on Motion: Motion carried.

11. North Shore of the Flathead Land Acquisition – Endorsement. Chris Hunter, FWP Fisheries Division Administrator, explained that through a mitigation agreement, the Bonneville Power Administration allotted the Confederated Salish and Kootenai Tribes and FWP eight million dollars over the last two years to purchase conservation easements or land acquisitions for the protection of fish habitats in the Flathead River Basin. These funds are only available through September 30, 2009 when the existing agreement ends. The proposal is to purchase additional lands along the North Shore of Flathead Lake to conserve important wetlands and/or shoreline habitats. FWP and CSKT feel the North Shore is the most threatened and important habitat area in need of conservation. Construction of a subdivision near Somers has recently been proposed in addition to the existing development project near Bigfork. Because of the time constraints in using available funds and the importance of the North Shore to Flathead Lake, FWP requests that the Commission grant approval for the fisheries mitigation program to identify one or more parcels for acquisition along the North Shore of Flathead Lake.

Action: Ream moved and Doll seconded the motion to grant preliminary approval for the FWP fisheries program to proceed in identifying the best land acquisition project(s) along the North Shore of Flathead Lake and to coordinate with other partners to acquire lands for fish habitat conservation. Motion carried.

12. Tongue River Railroad Easement & Right-of-Way Across Miles City Hatchery – Final. Chris Hunter, FWP Fisheries Division Administrator, stated that TRR has been trying for twenty-five years to obtain a permit to build a railroad line across the Miles City Hatchery for transportation of coal to Miles City. In 2007, the Surface Transportation Board awarded the permit with the directive that TRR work with FWP in the negotiation of an easement across the hatchery. The Surface Transportation Board stipulated a period of time in which to reach an agreement, and although that time limit has expired, FWP and TRR have continued with negotiations. The agreement that was brought forward in January addressed many of the concerns expressed by FWP.

There are three options available. One is to approve the agreement as proposed, the second is to deny it after which TRR can pursue condemnation proceedings, and the third is to postpone action on it. Postponement seems a likely alternative since several people contacted FWP in the last two days stating they did not have time to contact the Commission with their comments, and because former Commission Chairman Doherty had made several recommendations for amendments to the agreement that were not provided to TRR.

Vermillion stated that the amendments and clarifications recommended by Doherty not only did not get forwarded to TRR, but they are not reflected in the document that was brought to the Commission for final approval. He also said it is important to stipulate that the easement not take effect until TRR condemns the entire distance of the rail line. He felt in light of the phone calls from those persons who felt they were not provided sufficient notice of the meeting today, it would be beneficial to hold off on making a decision for another month or two. Additionally, TRR would have time to review the proposed amendments.

Becky Jakes Dockter, FWP Legal Counsel, agreed that a postponement would provide more time for review by both parties, and that FWP needs to specify a time that the final decision would be made.

David Coburn, TRR Legal Counsel, stated that this issue was discussed last year when FWP expressed apprehension about TRR being far enough advanced in its plans before construction would begin on the hatchery site. The current agreement protects the Department's concern that TRR might decide to build a portion of the line through the hatchery and then sit and decide about construction on other portions of the line. He said that is unrealistic on such a large project as this. Financing, engineering, and construction has to be done first. The line would be constructed all at the same time. Coburn stated that they have not seen Doherty's comments - he was not aware there were any until today. As far as postponement, he felt that there was adequate public notice as this topic was published at the same time as the other topics on the agenda. He knows there are opponents to this, and he and TRR respect that, but there have been opportunities over the years for the public to express their views through various venues. He does not know what new things they would have to say. The question as to whether the railroad should be built or not has been decided, approved, by the Surface Transportation Board. This issue is just for the easement. They want to bring this matter to a conclusion.

Jakes-Dockter stated that the Department had looked into whether a bond would be able to secure an amount that would cover the hatchery, and found that a bond could only be secured for two million dollars at most, and must be specific and detailed. It would be more effective to protect the hatchery with an insurance policy. The Tort Defense suggested procuring liability insurance as a protective policy.

Coburn said there is not a market that sells these types of bonds; all railroads have insurance against any number of risks.

Colton fears that the hatchery may be compromised and the railroad will have the final say, therefore the bond would be his preference. The Miles City Hatchery is a crucial hatchery as it is the only hatchery that successfully rears pallid sturgeon as well as other warm water fish species. He is more comfortable with the language proposed by Doherty, and is troubled that communication between FWP and TRR broke down.

Vermillion was concerned that the two recently appointed commissioners were just now hearing about the issues of the TRR proposal. If the decision is delayed a month, it might provide a more adequate comfort level. He understands TRR wanting this to reach a conclusion, but this decision is important to many people. Losing the genetics of the pallid sturgeon would be devastating.

Action: Vermillion moved and Doll seconded the motion to postpone the TRR decision until the July 9 Commission meeting in Helena in order to provide information and more opportunity for people to testify.

Jakes-Dockter stated that there are other state lands along the line. Easements are not in place yet, but the process has been started. She added that the Surface Transportation Board had also issued conditions, some of which were relative to weed control, water and sewer lines.

Coburn said TRR has not started condemnation actions yet, but there have been initial reviews of the state lands. No easement agreements yet. The deadline imposed by the Surface Transportation Board for FWP and TRR to reach an agreement expired one year ago. Most of the issues have been addressed, and the Board has been kept apprised of developments.

Coburn had hoped a decision would be made at this meeting, but also wants the Commissioners to be comfortable and prepared to make a decision. TRR will work diligently with Jakes-Dockter and FWP to review the comments, and they look forward to a decision in July.

Action on Motion: Motion carried.

13. 2009 Moose, Sheep & Goat Quotas Outside Biennial Quota Ranges – Final.

No recommended changes to the tentatives.

Action: Ream moved and Doll seconded the motion to approve the final 2009 Moose, Sheep & Goat Quotas Outside Biennial Quota Ranges as recommended by the Department. Motion carried.

14. 2009 Deer and Elk Quotas Outside Biennial Quota Ranges – Tentative.

Seven proposed changes to the quotas.

Elk—HD 319-10: Reduce BTB/Antlerless permits from 300 to 25 (adopted range is minimum 200; maximum 400)

Elk—HD 328-00: Increase ES permits from 50 to 75 (no adopted range)

Elk—HD 328-80: Increase A9/B12 antlerless elk licenses from 100 to 150 (no adopted range)

Elk—HD 341-10: Reduce BTB/Antlerless permits from 175 to 25 (adopted range is minimum 150; maximum 250)

Elk—HD 339-00: Increase Antlerless Permits from 500 to 800 (adopted range is minimum 300; maximum 500)

Elk—HD 343-00: Increase Antlerless Permits from 450 to 600 (adopted range is minimum 300, maximum 500)

Deer—HD 332-00: Decrease Antlerless Mule Deer B Licenses from 50 to 15 (adopted range is minimum 50; maximum 50)

Action: Ream moved and Doll seconded the motion to adopt the tentative adjustments to the 2009 elk and deer quotas as proposed by FWP.

Chairman Colton asked for public comment. There was none.

Action on Motion: Motion carried.

15. 2009 Antelope Quota Ranges – Tentative.

Six proposed changes to the adopted biennial quota ranges – all in Region 5

HD 500 – adjust quota range from 300-600 to 200-600

HD 501 – adjust quota range from 450-750 to 300-750

HD 511 – adjust quota range from 250-250 to 250-500

HD 513 – adjust quota range from 900-1000 to 600-1000

HD 530 – adjust quota range from 900-1500 to 600-1500

HD 570 – adjust quota range from 950-1750 to 750-1750

Action: Doll moved and Vermillion seconded the motion to adopt the tentative adjustments to the 2009 antelope quota ranges as proposed by FWP.

Chairman Colton asked for public comment. There was none.

Action on Motion: Motion carried.

16. 2009 HB 454 Hunting Access Agreements – Tentative. Quentin Kujala, FWP Wildlife Management Bureau Chief, explained that under 87-2-513 MCA, FWP received the authority to issue either-sex or antlerless elk permits to landowners for management purposes. The landowner must offer free public elk hunting, meet the various conditions of the statute, and enter a contractual public elk hunting access agreement with FWP. The contract defines the areas open to public elk hunting, the number of elk hunting days that will be allowed on the property, and other factors that FWP and the landowner consider necessary for the proper management of elk on the landowner's property.

The Swanz Ranch has been enrolled in this project since 2002. Every post-hunt assessment has been positive. The agreement states that in return for allowing access to elk hunters, Mr. Swanz, or a family member, would receive one 411-21 either-sex permit. In turn, FWP would issue four additional 411-21 permits by random drawing from the list of unsuccessful applicants for that license permit type (LPT). Successful applicants can only hunt on the Swanz deeded property.

Action: Vermillion moved and Doll seconded the motion to adopt as tentative the Swanx Hunting Access Agreement for the 2009 general hunting season.

Commissioners would like to see this program expanded to involve more of these agreements. Perhaps it is a lack of communicating the availability of this program to the public. Kujala will explore ways to expand the public's awareness of the program.

Action on motion: Motion carried.

17. 2009 Fall Upland Game Bird Bag Limits – Tentative.

Two proposed changes to the bag limits.

Missoula County area (283-50) -- increase from 50 to 100 Fall turkey permits

Bitterroot Valley area in a Portion of Ravalli County (285-50) -- increase from 300 to 400 Fall turkey permits

Action: Doll moved and Ream seconded the motion to adopt as tentative the 2009 upland game bird regulations as proposed.

Chairman Colton asked for public comment. There was none.

Action on Motion: Motion carried.

18. 2009 Wolf Quotas – Tentative. Ken McDonald, FWP Wildlife Division Administrator, presented the tentatives. Regulated harvest of wolves, endorsed by the Governor's Wolf Advisory Council in 2000, was included in Montana's Wolf Conservation and Management Plan. In 2001, the Legislature authorized the Commission to reclassify wolves from an endangered species to a species in need of management upon federal delisting. The USFWS delisted the wolf in 2007, and the Commission adopted a regulatory framework and season structure with a quota of 75 in February 2008, however the decision was challenged in court, and the delisting rule was rescinded. The USFWS again delisted the northern Rocky Mountain gray wolf in Montana (Wyoming is excluded) on May 4, 2009, and once again litigation challenging the federal delisting decision is expected.

FWP intends to proceed cautiously to ensure continued wolf recovery. To assist the 2008 wolf harvest quota decision, FWP developed and applied a harvest model with assumptions that included rates of birth, death, immigration and emigration being equal to the previous year's respective rates. The primary goal of model simulations was to gauge risk associated with different combinations of quota-based harvest in the three Wolf Management Units. Sideboards included no risk of falling below 15 breeding pairs if hunters harvest 100 percent of the allowable quota. Models include the information below presented as specific numbers that also represent specific points ranging from more restrictive to more liberal. The ARM rule approved by the Commission in 2008, which reclassifies the gray wolf as a species in need of management, will be automatically effective upon delisting. FWP recommends adopting multiple total quota options of 0, 26, 75 and 207 with individual WMU quotas/subquotas. Opening season coincides with back-country season opening, and mandatory reporting is required within 12 hours of harvest. No trapping is allowed during the first season. The public comment period ends June 19, 2009.

TOTAL QUOTA (ave hvst rate as % of est pop)	WMU 1 QUOTA	WMU 2 QUOTA	WMU 3 QUOTA
0	0	0	0
26 (5%)	14 (2 subquota)	6	6
75 (15%)	41 (2 subquota)	22	12
207 (40%)	107 (2 subquota)	62	38

Action: Ream moved and the motion was seconded to adopt the tentative wolf quota options of 0, 26, 75 and 207 with individual WMU quotas and the northfork sub-quota of 2 as presented by FWP.

Discussion followed regarding various optional quota numbers and the rationale behind them.

Concerns were expressed about the high-end number of 207. It was felt that the definition of management is to maintain a healthy population. The zero quota option would eliminate hunting.

Colton suggested a quota of 150 – 165 on the high end, and remove the zero option to indicate to the public the Commission's commitment to a season. He said these are smart animals and hunting them will not be easy.

Doll felt that the zero option should be eliminated since the objective is to develop a season. He felt that most take will be incidental.

Action: Ream substituted his motion to adopt tentative wolf quota options of 26, 75 and 165, and that the Department must work out proportional numbers for the management units, and include a sub-quota of 2 in the northfork. Vermillion seconded the amendment.

McDonald noted that a quota range could also be a consideration. A biennial structure will be brought back before the Commission at the December meeting.

Chairman Colton asked for public comment on the motion.

Lisa Upson, Natural Resources Defense Council, opposes the implementation of a wolf season. The wolf is at a recovery point. The Council asked last year that FWP do a recovery study. A wolf hunt has never been designed before so there is uncertainty as far as conservation. She urged the commission to care.

Barb Cestero, Greater Yellowstone Coalition, Bozeman, cautioned the Commission to be mindful that there has never been a season designed before. She urged them to be conservative. There is need to account for uncertainty of this process. Immigration will be constant. There is uncertainty of where source populations will be. Idaho is going to reduce their population. She urged that the quota go no higher than 75.

Ben Lamb, Montana Wildlife Federation, said MWF has worked with FWP for over 75 years to maintain wildlife. They supported the quota of seventy-five last year. Biological issues are addressable by professionals. The hunt works. Adopting a suite of number is reasonable.

Rod Bullis said the motion will put the burden back on the hunters to build trust and respect of the other organizations. It will create a fair chase and ethical hunt.

Mary Ellen Schnurr, MOGA, said three years ago when the management plan was submitted, it showed there was support for hunting wolves. MOGA supports the motion.

Colton said the Commission practices sound management practices of all species, and can manage the wolf as well.

Vermillion said it is high time that FWP manage these animals. The Commission and FWP are looking forward to managing them.

Action on Motion: Motion carried.

19. Fleeceer WMA/Erickson Ranch Land Exchange – Final. Ken McDonald, FWP Wildlife Division Administrator, explained that this 40-acre land exchange was endorsed by the Commission in December, 2008. The Environmental Assessment generated four comments of support.

The proposed land exchange would benefit wildlife and winter range habitat on the eastern portion of the Fleeceer Wildlife Management Area and on the adjacent Erickson Ranch. The proposal is to exchange a 40-acre parcel of state land (WMA) for a 40-acre parcel of the Erickson Ranch.

Action: Vermillion moved and Ream seconded the motion to approve the Fleeceer WMA – Erickson Ranch Land Exchange and Grazing Plan as described in the Environmental Assessment.

Chairman Colton asked for public comment. There was none.

Action on Motion: Motion carried.

20. Ear Mountain WMA Grazing Lease Renewals – Final. Ken McDonald, FWP Wildlife Division Administrator, explained that this proposal is for the renewal of two rest-rotation grazing leases, each for three years in duration. The Salmond grazing lease is for 391 AUMs for livestock on 2210 acres, and the Gollehon lease is for 70 AUMs for livestock on 960 acres. The two leases provide access to their private property.

Action: Vermillion moved and Doll seconded the motion to approve the Salmond and the Gollehon grazing leases on the Ear Mountain WMA for the years 2009 through 2011. Motion carried.

21. Rookery WMA Rifle Range Lease Agreement Renewal in Hill County – Final. Ken McDonald, FWP Wildlife Division Administrator, explained that 200 acres of the Rookery Wildlife Management Area were leased to Hill County in 1978 for construction of a public rifle range. The range has been maintained by Havre Rifle and Pistol Club through a sublease agreement with Hill County. They are requesting a ten-year renewal of the lease.

Action: Moody moved and Vermillion seconded the motion to authorize a 10-year renewal of the Rifle Range Lease with Hill County with a sublease to the Havre Rifle and Pistol Club. Motion carried.

22. Little Doney Lake Habitat Acquisition Project in Powell County – Final. Ken McDonald, FWP Wildlife Division Administrator, explained that Little Doney Lake is comprised of 2,503 acres adjacent to the Blackfoot Clearwater Wildlife Management Area in Powell County. It provides crucial elk and deer winter range, loon and trumpeter swan nesting habitat, grizzly bear and lynx habitat, and bull trout and westslope cutthroat conservation habitat.

The Nature Conservancy recently purchased this land from Plum Creek as part of a larger effort by landowners and agencies involved with the Blackfoot Challenge, and has committed to selling the land to FWP at a substantial discount. The 1,103-acre Little Doney Lake parcel is connected by way of private property encumbered with a conservation easement held by the Montana Land Reliance, and the remaining 1,280 acres are located immediately adjacent to the BCWMA. Several public and private partners have committed \$1.45 million towards this project, FWP would commit \$1.5 million of Habitat Montana funds and \$500,000 of State Wildlife Grant funds, and The Nature Conservancy will donate a 240-acre parcel that lies to the northeast of Little Doney Lake that totals \$500,000. The public comment period generated no opposition to the proposal.

Action: Ream moved and Moody seconded the motion to approve acquisition of approximately 2,503 acres adjacent to the Blackfoot Clearwater WMA. Motion carried. (Vermillion recused himself from the vote so as to prevent any perception of conflict of interest due to his potential involvement with the Nature Conservancy as a board member.)

23. Marias River State Park/WMA 2009 Deer Hunting Access Regulations – Tentative. Quentin Kujala, FWP Wildlife Management Bureau Chief, explained that FWP requests that the Commission adopt a tentative rule that would allow limited deer hunting access to the Marias River State Park / Wildlife Management Area by lottery. Numbers of hunters and time periods would be allocated, and hunting of all other applicable species would be allowed by written permission on an unlimited basis.

This proposal is to implement a limited entry form of hunting access beginning with the 2009 archery and rifle deer hunting seasons. FWP is proposing a lottery system for deer archery and rifle seasons utilizing a web-based application procedure that would allocate hunter numbers and time periods for hunting access to the property. Accommodations will also be provided for those individuals who do not have access to the website. All hunting will conform to the existing Commission established season structure in HD406. Access for antelope, upland bird and waterfowl hunting will not be limited, but would be granted by written permission from FWP Regional offices for all hunters.

Action: Vermillion moved and Ream seconded the motion to adopt a tentative rule to allow allocation of deer hunting access to the Marias River State Park / Wildlife Management Area by lottery as proposed by the Department. Hunting of all other applicable species would be allowed by written permission on an unlimited basis.

Chairman Colton asked for public comment. There was none.

Action on Motion: Motion carried.

24. White-Tailed Prairie Dog Translocations – Informational. Lauri Hanauska-Brown, FWP Non-game Species Coordinator, stated that translocation of prairie dogs involves the ecosystem they establish as well as the prairie dog itself. They are only found in Region 5 in Montana, and have been petitioned as a candidate for listing under the Endangered Species Act. A conservation effort must be put forth to keep them off the list, so in order to perpetuate the white-tailed prairie dogs, the Department proposes to augment existing colonies with up to 100 white-tailed prairie dogs from Wyoming in 2009. Thirty-five prairie dogs were translocated in 2007, with survival and reproduction being observed since then. They will need import permits from the Department of Livestock followed by a 14-day quarantine period. Region 5 staff will supervise the translocation process. Landowners are notified within six miles of each of the potential receiving sites. The translocation protocols include permitting and methodology to reduce the risk of transferring plague between sites, for the welfare of the animals, and to reduce impacts to neighboring landowners. Ten colonies of white-tailed prairie dogs currently inhabit 253 acres in Montana with a distribution that is widely dispersed and may not facilitate genetic exchange between colonies. The long-term objective is to ensure maintenance of a viable population of white-tailed prairie dogs in Montana.

25. Open Microphone – Public Opportunity to Address Additional FWP Issues.

Wendy Keefover-Ring, Wild Earth Guardians, asked the Commission to gather more data before implementing any increases in mountain lion quotas. She urged conservation measures be taken. Their hope is that FWP will maintain a path of sustainable mountain lion management. Management history has demonstrated that mountain lions disappear when over-hunted, and they recover slowly.

Conservation measures Wild Earth Guardians recommend are to establish, enumerate, and justify management goals for each district, to develop reliable maps of potential lion densities that include information on habitat terrain and cover, travel corridors, road access, human habitation, and location and type of ungulate winter range, and to protect breeding females and their dependent kittens by setting conservative female quotas, shortening the hunting season, and adopting an internet-based hunter education course. She said that the mountain lion population is only now recovering after over a decade of over-hunting, starvation, disease, predation, poaching, vehicle collisions, and livestock protection kills. A female lion is not sexually mature until she is between 27 and 29 months old, and they produce few kittens - a mother will give birth to approximately three kittens every two years. The mothers then spend between 12 and 24 months raising and provisioning for their kittens. Lion kittens are totally reliant upon their mother until they are at least six months old. Wild Earth Guardians does not support FWP's proposed increases in mountain lion quotas as they feel they are too high for a recovering population. They urged a cautious approach.

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Colton and Doll led a discussion on establishing more bighorn sheep within Montana borders as opposed to relocating them out of state. For instance, northern Garfield County is rugged and would provide necessary habitat. It was decided that the Commission would host a meeting near Brusett in the very near future to discuss in-state relocation of sheep. Colton, Doll, Kujala, and McDonald agreed to work together to determine a suitable time to hold the meeting and coordinate logistics.

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Director Maurier reminded the Commission that the June 25 meeting will be held in Hamilton.

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*Action: Vermillion moved and Doll seconded the motion to adjourn the meeting. Motion carried.*

Meeting adjourned at 12:25 p.m.

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Shane Colton, Chairman

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Joe Maurier, Director